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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

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5 GREGG OLEWINSKI and RHONDA  
6 OLEWINSKI, husband and wife,

7 Plaintiff(s),

2:21-cv-01617-JCM-NJK

8 v.

9 DISCOUNT TIRE CO., INC., an Arizona  
10 corporation; DOES 1 through 100, inclusive; and  
11 ROE CORPORATIONS I through 100, inclusive,

Defendant(s).

**ORDER RESCHEDULING EARLY  
NEUTRAL EVALUATION SESSION**

12 Before the court is the Stipulation and Order to Continue Early and Neutral Evaluation and  
13 Corresponding Briefing Schedule (ECF No. 21).

14 Accordingly,

15 IT IS HEREBY ORDERED that the Stipulation and Order to Continue Early and Neutral  
16 Evaluation and Corresponding Briefing Schedule (ECF No. 21) is GRANTED.

17 The video conference ENE session scheduled for **10:00 a.m., January 12, 2022, is VACATED**  
18 **and RESCHEDULED to 10:00 AM, February 28, 2022.**

19 IT IS HEREBY ORDERED that counsel/parties must email chambers at  
20 VCF\_Chambers@nvd.uscourts.gov, with all email address(es) to be used for the video conference hearing  
21 by noon, February 22, 2022.

22 Lead trial counsel, all parties appearing pro se, if any, and all individual parties must be present.  
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1 In the case of organizational or corporate parties, counsel shall arrange for a representative with  
2 binding authority to settle this matter up to the full amount of the claim to be present for the duration of  
3 the ENE session.

4 If any party is subject to coverage by an insurance carrier, then a representative of the insurance  
5 carrier with authority to settle this matter up to the full amount of the claim must be present for the duration  
6 of the ENE session. This representative must be the adjuster primarily responsible for the claims or an  
7 officer with supervisory authority over the adjuster. Third party administrators do not qualify.

8 A request for an exception to the above attendance requirements must be submitted to the  
9 undersigned for approval at least two weeks prior to the ENE session. Counsel of record, individual  
10 parties, and a fully authorized representative must be present unless the court enters an order granting a  
11 request for exception.

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13 **PREPARATION FOR ENE SESSION**

14 In preparation for the ENE session, the attorneys for each party, and the parties appearing *pro se*,  
15 if any, must submit a confidential written evaluation statement for the Court's in camera review. The  
16 evaluation statement must be concise and must:

17 (A) Identify by name or status the person(s) with decision-making authority who, in addition to  
18 the attorney, will attend the early neutral evaluation session as representative(s) of the party, and  
19 persons connected with a party opponent (including an insurer representative) whose presence  
20 might substantially improve the utility of the early neutral evaluation session or the prospects of  
21 settlement;

22 (B) Describe briefly the substance of the suit, addressing the party's views on the key liability and  
23 damages issues;  
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1 (C) Address whether there are legal or factual issues whose early resolution would reduce  
2 significantly the scope of the dispute or contribute to settlement negotiations;

3 (D) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose  
4 availability would materially advance the purposes of the evaluation session (e.g., medical  
5 reports, documents by which special damages might be determined);

6 (E) Discuss the strongest and weakest points of your case, both factual and legal, including a candid  
7 evaluation of the merits of your case;

8 (F) Estimate the costs (including attorney's fees and costs) of taking this case through trial;

9 (G) Describe the history of any settlement discussions and detail the demands and offers that have  
10 been made and the reason settlement discussions have been unsuccessful; and

11 (H) Certify that the party has made initial disclosures under Fed. R. Civ. P. 26(a)(1) and that the  
12 plaintiff has provided a computation of damages to the defendant under Fed. R. Civ. P.  
13 26(a)(1)(A)(iii). Initial disclosures and damages calculations must be served one week prior to the  
14 ENE.

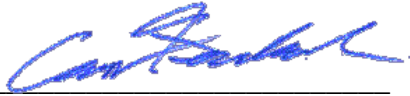
15 (I) The evaluation statement must be bound pursuant to LR IA 10-1, 10-2 and 10-3.

16 The written evaluation statements must be delivered to chamber or (if statements and exhibits are  
17 over 100 pages, please send in multiple e-mails.) emailed to VCF\_Chambers@nvd.uscourts.gov, not later  
18 than **4:00 p.m., February 22, 2022. DO NOT FILE. DO NOT MAIL THEM TO THE CLERK'S**  
19 **OFFICE. DO NOT SERVE A COPY ON OPPOSING COUNSEL.**

20 The purpose of the evaluation statement is to assist the undersigned Magistrate Judge in preparing  
21 for and conducting the ENE session. In order to facilitate a meaningful session, your utmost candor in  
22 providing the requested information is required. **The evaluation statements will not be seen by or**  
23 **shared with the district judge or magistrate judge to whom this case is assigned.** The evaluation  
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1 statements will be seen by no one except the undersigned. Each statement will be securely maintained in  
2 my chambers, U.S. Magistrate Judge Cam Ferenbach (3rd Floor, 333 Las Vegas Boulevard South, Ste.  
3 3005, Las Vegas, Nevada 89101), and will be destroyed following the session.

4 DATED this 5th day of January 2022.

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6 CAM FERENBACH  
7 UNITED STATES MAGISTRATE JUDGE  
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